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**MYRON AMER, P.C.
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MAY 16 2011

OFFICE OF PETITIONS

In re Patent No. 7,143,770	:	
Issue Date: December 5, 2006	:	
Application No. 10/635,129	:	ON PETITION
Filed: August 7, 2003	:	
Attorney Docket No. P-3976-1	:	

This is a decision on the petition under 37 CFR 1.378(c), filed March 23, 2011, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

Any petition for reconsideration of this decision must be accompanied by the petition fee of **\$400** as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (3) above.

With respect to item (3): A review of the Office record shows that the surcharge submitted with the petition filed March 23, 2011, is insufficient in that the fee paid is \$810 and the current surcharge is \$1640. Since petitioner submitted \$560 for the maintenance fee and the current maintenance fee for three and a half year is \$490, the additional fee of \$70 will be applied to the surcharge which leaves a balance of **\$760** due. Absent the proper surcharge payment as set out in 37 CFR 1.20(i)(2), the petition filed March 23, 2011, does not meet the requirements as set forth in 37 CFR 1.378(c). No consideration can be given until the required fee deficiency is remitted.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the

address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MYRON AMER
 350 NATIONAL BOULEVARD
 SUITE 2B
 LONG BEACH, NY 11561